

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Permanent
Rule of the Department of Natural
Resources Governing Hunting of Grouse
in the Vicinity of Motor Vehicles.
Minnesota Rule Chapters 6234.

**REPORT OF THE
ADMINISTRATIVE LAW JUDGE**

The above-entitled matter came on for hearing before Administrative Law Judge Phyllis A. Reha at 10:00 a.m. on April 23, 1998, at the Davies Hall Theater, Itasca Community College, 1851 East Highway No. 169, Grand Rapids, Minnesota. The hearing resumed at 10:00 a.m. on April 24, 1998 at the Capitol View Conference Center, 670 W. County Road B2, Roseville, Minnesota.

This Report is part of a rulemaking proceeding held pursuant to Minn. Stat. §§ 14.31 to 14.20 (1996), to hear public comment, to determine whether the Minnesota Department of Natural Resources (hereafter "the Department") has fulfilled all relevant substantive and procedural requirements of the law applicable to the adoption of the rule, whether the proposed rule is needed and reasonable, and whether or not any modifications to the rules proposed by the Department after initial publication constitute impermissible, substantial changes.

David Iverson, Assistant Attorney General, 445 Minnesota Street, St. Paul, Minnesota 55101-2127, appeared on behalf of the Department. The Department's hearing panel consisted of Dave Schad, Forest Wildlife Program Coordinator, Ed Boggess, Wildlife Program Manager, Mike Grupa, Enforcement Administrative Manager, Bill Spence, Enforcement Operations Manager, Gary Guida, Enforcement Conservation Officer, Gary Drotts, Central Region Forest Wildlife Specialist, and Jeff Lightfoot, Northeast Regional Wildlife Manager.

Approximately fifteen persons attended the hearing in Grand Rapids and eleven of those persons signed the hearing register. Approximately fifteen persons attended the hearing in Roseville and twelve persons signed the hearing register. The hearing continued until all interested persons, groups or associations had an opportunity to be heard concerning the proposed amendments to these rules.

The record remained open for the submission of written comments for twenty calendar days following the hearing to May 14, 1998. During the initial comment period the ALJ received written comments from interested persons and the agency. Pursuant to Minn. Stat. § 14.15, subd. 1, five working days were allowed for the filing of responsive comments. No reply comments were filed either by the agency or by the public. No changes were made to the proposed rule. The record on this rulemaking closed on May 21, 1998.

NOTICE

This Report must be available for review to all affected individuals upon request for at least five working days before the agency takes any further action on the rule(s). The Department may then adopt a final rule or modify or withdraw its proposed rule. If the Department makes changes in the rule other than those recommended in this report, it must submit the rule with the complete hearing record to the Chief Administrative Law Judge for a review of the changes prior to final adoption. Upon adoption of a final rule, the Department must submit it to the Revisor of Statutes for a review of the form of the rule. The Department must also give notice to all persons who requested to be informed when the rule is adopted and filed with the Secretary of State.

Based upon all the testimony, exhibits, and written comments, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Requirements.

1. On November 17, 1997, the Department published a Request for Comments on planned rule governing use of motor vehicles for small game hunting. The Request for Comments was published at 22 State Register 885. Exhibit 1.
2. On February 24, 1998, the Department filed a request for approval of its notice plan with the Office of Administrative Hearings. The notice plan was approved on March 6, 1998. On March 6, 1998, the Department requested the scheduling of two hearing dates and filed the following documents with the Chief Administrative Law Judge:
 - (a) the proposed rule certified by the Revisor of Statutes;
 - (b) the Statement of Need and Reasonableness (SONAR); and
 - (c) the Notice of Hearing to be issued.
3. The Department mailed a copy of the SONAR to the Legislative Reference Librarian on March 5, 1998. Exhibit 6. On March 17, 1998, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the agency for the purpose of receiving such notice. Exhibit 10.

4. On March 23, 1998, a copy of the proposed rules and the Dual Notice of Hearing were published at 22 State Register 1706.

5. On the day of the hearing, the Department placed the following additional documents into the record:

- (a) the Request for Comments published at 22 State Register 885 (Exhibit 1);
- (b) certificate of the Department's mailing the request for comments to persons on the agency's rulemaking list (Exhibit 2);
- (c) News Releases, dated November 5, 1997, including requests for comments on small game hunting and motor vehicles (Exhibit 3);
- (d) the proposed rule, certified by the Revisor of Statutes (Exhibit 4);
- (e) the SONAR (Exhibit 5);
- (f) certification of mailing and a copy of the letter transmitting the SONAR to the Legislative Reference Librarian (Exhibit 6);
- (g) the Notice of Hearing and copy of the proposed rules as mailed (Exhibit 7);
- (h) the Notice of Hearing and copy of the proposed rules as published in the State Register (Exhibit 8);
- (i) the Administrative Law Judge's letter approving the notice plan and the Department's letter requesting that approval (Exhibit 9);
- (j) the Department's Certificate of Mailing, provision of additional notice, and certification of the mailing list as accurate and complete (Exhibit 10);
- (k) News Releases, dated March 17, 1998, announcing the planned rule change on grouse hunting and identifying the times, dates and locations of the hearings on the rule (Exhibit 11);
- (l) all written comments received by the Department in response to the Notice of Hearing (Exhibit 12);
- (m) a summary of the Department's witness testimony (Exhibit 13);
- (n) a DNR memorandum, dated July 22, 1997, regarding the numbers of all-terrain vehicle registrations (Exhibit 14); and
- (o) *Beyond Fair Chase*, by Jim Posewitz (Falcon Press, 1994) (Exhibit 15).

Nature of the Proposed Rules.

6. In this rulemaking proceeding the Department seeks to adopt a rule restricting the manner in which grouse may be hunted. A hunter would be precluded from discharging a firearm or shooting an arrow at a grouse or a grouse decoy unless the hunter was at least 20 yards from a motor vehicle and the vehicle's engine is shut off. The proposed rule contains an exemption for hunters with disability permits and incorporates a statutory definition of "motor vehicle."

Statutory Authority

7. The Department cites Minn. Stat. § 97B.711, subd. 3, as the source of its authority to adopt these rules. SONAR, at 5. That statutory provision states:

Restrictions. The commissioner may by rule prescribe methods and other restrictions for the taking of game birds.

Minn. Stat. § 97B.711, subd. 3 (1997).

8. The proposed rules are solely concerned with the methods of taking grouse, which is a game bird. The Administrative Law Judge finds that the Department has the statutory authority to adopt the proposed rule.

Rulemaking Legal Standards.

9. Under Minn. Stat. § 14.14, subd. 2, and Minn. Rule 1400.2100, one of the determinations which must be made in a rulemaking proceeding is whether the agency has established the need for and reasonableness of the proposed rule by an affirmative presentation of facts. In support of a rule, the Department may rely on legislative facts, namely general facts concerning questions of law, policy and discretion, or it may simply rely on interpretation of a statute, or stated policy preferences. *Manufactured Housing Institute v. Pettersen*, 347 N.W.2d 238, 244 (Minn. 1984); *Mammenga v. Department of Human Services*, 442 N.W.2d 786 (Minn. 1989). The Department prepared a Statement of Need and Reasonableness ("SONAR") in support of the amendments of the rule. At the hearing, the Department primarily relied upon the SONAR as its affirmative presentation of need and reasonableness for the proposed amendments. The SONAR was supplemented by comments made by Department staffers at the public hearing and in its written posthearing comments.

The question of whether a rule has been shown to be reasonable focuses on whether it has been shown to have a rational basis, or whether it is arbitrary, based upon the rulemaking record. Minnesota case law has equated an unreasonable rule with an arbitrary rule. *In re Hanson*, 275 N.W.2d 790 (Minn. 1978); *Hurley v. Chaffee*, 231 Minn. 362, 367, 43 N.W.2d 281, 284 (1950). Arbitrary or unreasonable agency action is action without consideration and in disregard of the facts and circumstances of the case. *Greenhill v. Bailey*, 519 F.2d 5, 19 (8th Cir. 1975). A rule is generally found to be reasonable if it is rationally related to the end sought to be achieved by the governing statute. *Mammenga*, 442 N.W.2d at 789-90; *Broen Memorial Home v. Minnesota Department of Human Services*, 364 N.W.2d 436, 444 (Minn. Ct. App. 1985). The Minnesota Supreme Court has further defined the Department's burden in adopting rules by requiring it to "explain on what evidence it is relying and how the evidence connects rationally with the agency's choice of action to be taken." *Manufactured Housing Institute*, 347 N.W.2d at 244. The Department is entitled to

make choices between possible approaches as long as the choice it makes is rational. Generally, it is not the proper role of the Administrative Law Judge to determine which policy alternative presents the "best" approach since this would invade the policy-making discretion of the Department. The question is rather whether the choice made by the Department is one that a rational person could have made. ***Federal Security Administrator v. Quaker Oats Company***, 318 U.S. 218, 233 (1943).

In addition to need and reasonableness, the Administrative Law Judge must also assess whether the rule adoption procedure was complied with, whether the rule grants undue discretion, whether the Department has statutory authority to adopt the rule, whether the rule is unconstitutional or illegal, whether the rule constitutes an undue delegation of authority to another entity, or whether the proposed language is not a rule. Minn. Rule 1400.2100.

In this matter, no changes have been proposed to the rule after publication of the rule language in the State Register. Because of this circumstance, there is no basis for the Administrative Law Judge to determine if new language is substantially different from that which was originally proposed. Minn. Stat. § 14.15, subd. 3 (1996). The standards to determine if the new language is substantially different are found in Minn. Stat. § 14.05, subd. 2 (1996).

Impact on Farming Operations.

10. Minn. Stat. § 14.111 imposes an additional notice requirement when rules are proposed that affect farming operations. The Department indicated that the proposed rule would not affect farming operations. The statute states:

14.111 Farming operations.

Before an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule change to the commissioner of agriculture, no later than 30 days prior to publication of the proposed rule in the State Register.

A rule may not be invalidated for failure to comply with this section if an agency has made a good faith effort to comply.

Minn. Stat. § 14.111.

The proposed rule does not impose restrictions and has no impact on any aspect of farming operations. The Administrative Law Judge finds that the proposed rule will not impact farming operations in Minnesota, and finds that no notice to the Commissioner of Agriculture is required.

Classes of Persons Affected by the Proposed Rules

11. Minn. Stat. § 14.131 requires an agency adopting rules to include in its SONAR:

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

(5) the probable costs of complying with the proposed rule; and

(6) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

In its SONAR, the Department included its analysis performed to meet the requirements of this statute. The Department noted there would be no additional costs associated with the rule. SONAR, at 5.

12. The Department analyzed the methods for achieving the goals of the rule and considered alternatives such as requiring designated parking areas for all-terrain vehicles (ATVs) or setting hours of use of ATVs in hunting. Both alternatives were rejected by the Department as being more intrusive and less practical than the distance limitation proposed here. SONAR, at 6. There are no federal laws applicable to the subject matter of these rules. *Id.* at 8. The Department has met the statutory requirements for assessing the impact of the proposed rules.

Analysis of the Proposed Rules

General

13. This Report is limited to the discussion of the proposed rule in light of issues that received significant critical comment or otherwise need to be examined. Persons or groups who do not find their particular comments referenced in this report should know that each and every suggestion has been carefully read and considered.

6234.0100, Subpart 4 – Shooting at Grouse Prohibited Near Motor Vehicle

14. Minn. Rule 6234.0100 sets out restrictions for taking small game. The only language proposed in this rulemaking is a new subpart, subpart 4, which reads:

A person in the vicinity of a motor vehicle may not discharge a firearm or an arrow from a bow at a grouse, or a decoy of a grouse placed by an enforcement officer, unless the person is at least 20 yards from the vehicle and the vehicle's engine is shut off. This subpart does not apply to a person with a disability permit under Minnesota Statutes, section 97B.055, subdivision 3. "Motor vehicle" as used in this subpart has the meaning given in Minnesota Statutes, section 97A.015, subdivision 32.

Department's Intent in Adopting Rule

15. The Department indicated that the use of motor vehicles in hunting has been limited for many years under the doctrine of "fair chase." SONAR, at 9. The doctrine of fair chase has been described as:

Fundamental to ethical hunting is the idea of fair chase. The concept addresses the balance between the hunter and the hunted. It is a balance that allows hunters to occasionally succeed while animals generally avoid being taken. This would be a simple concept if it were a single hunter pursuing an animal in a massive wild country. In the real world, it is a complex topic involving the entire community of hunters, populations of animals, remnants of wild land, and management agencies that define both the terms and conditions of hunting.

Beyond Fair Chase, at 57 (Exhibit 15).

16. The Department based its adoption of the proposed rule on the perception that fair chase does not allow the use of motor vehicles for the pursuit of game. The rationale was expressed as follows:

The proposed rule is also reasonable because approaching and shooting an animal using a motor vehicle is generally regarded to violate principles of "fair chase" associated with hunting game animals. In his book on hunting ethics, author Jim Posewitz says, "*The mechanized pursuit of wildlife is high on the list of violating fair chase principles. We have invented machines to carry ourselves over land, sea, and air. Evolution of the animals we pursue can not keep pace with these inventions. If we are to pursue animals fairly, the ethical choice is clear – we pursue them on foot. The ethical hunter never chases or harasses wildlife with a machine.*" (Posewitz, 1994, pages 60-61).

SONAR, at 10 (italics in original).

Commentators' Views on Fair Chase

17. A number of commentators supported the proposed rule as being consistent with the doctrine of fair chase. Gary F. Lyons expressed his opinion on the subject as follows:

I think the use of noisy, fast vehicles to find grouse and then shoot them on the ground is inconsistent with fair chase, the rights of others to use this resource in a natural, quiet way and any definition of "sport", with respect and consideration due other participants.

Public Exhibit 3.

18. Tim Cass, Range Riders, ATV club related his experiences of hunting in other countries and noted that the concept of fair chase differed from one society to another. Cass noted that hunting from vehicles was considered appropriate for big game in South Africa and for kangaroos and rabbits in Australia. Tim Mathews described his extensive gun and bowhunting of grouse. Mathews pointed out that hunters' opinions differed as to whether fair chase allows for shooting grouse on the ground or only after the grouse have been flushed.

19. Dan Reed, President of the All-Terrain Vehicle Association of Minnesota, Inc. (ATVAM), and Dan Kryser, member of ATVAM, maintained that the existing requirements that a rider shut off the machine, dismount, uncase the firearm, load, and aim were sufficient to satisfy the requirement for fair chase. Public Exhibit 21.

20. Don Arnosti, Minnesota Director of the National Audubon Society, supports the proposed rule as incorporating fair chase in hunting where the presence of logging roads has created more opportunities for taking grouse. Exhibit 25. Dan Dessecker, Senior Wildlife Biologist for the Ruffed Grouse Society, supported the proposed rule as protecting the image of hunters and thereby protecting the availability of sport hunting for all. Exhibit 26.

21. Clyde H. Barr, Jr. and Larry Keck, President of the Minnesota 4-Wheel Drive Association (Mn4WDA), and Ron Nelson, Vice President of the Arrowhead ATV Club, Inc. (Arrowhead), criticized the level of difficulty imposed on hunters on ATVs by the proposed rule. Barr and Arrowhead asserted that walking hunters with dogs would achieve more success than hunters on ATVs, due to the requirement that guns be cased and unloaded on the ATV. Public Exhibit 19. Mn4WDA suggested that hunters with dogs were not restricted to trails and benefited from the dog's sense of smell. Exhibit 27. Barr suggested that thirty feet was a distance that would be enforceable and effective to accommodate fair chase in grouse hunting.

22. In proposing this rule the Department is not seeking to equate the experiences, levels of difficulty, or degrees of success between walking hunters, walking hunters with dogs, and hunters riding ATVs or other motor vehicles. The Department is not seeking to require hunters to flush game before shooting. The Department's motivation in adopting this rule is to equate the hunting method of all hunters regarding the approach to the grouse. Hunters who ride ATVs to gain access to

remote areas are free to do so, but they cannot use the vehicle to replace the approach to the prey that constitutes fair chase, an integral part of hunting as the sport is practiced in Minnesota.

23. The Department, in responding to a commentator's recollection of past practices on road hunting for grouse, uncovered hunting guides published in 1970 and 1971. Department Comment, Attachment (Northwest Banks Hunting Guides). These privately published guides included the following suggestion:

Ruffed Grouse Hunting Tip

When road hunting from a car and a grouse is sighted, drive past the area about 50 feet and park. One hunter circles back into the woods then walks toward the road at the spot the grouse was spotted. Second hunter gets in position on the road and waits for the bird to flush and fly across the road. This method gives the second hunter a clear area for the shot.

Department Comment, Attachment at 20 (1971 guide) and 21 (1970 guide).

24. The Department noted that the suggestions to park 50 feet beyond the site of the grouse and for the hunters to walk back toward the grouse are very similar in effect to the Department's proposed rule. Department Comment, at 5. The similarity of the suggestion to the proposed rule indicates that for many years, fair chase has meant that hunters approach grouse on foot for a substantial distance prior to shooting at the birds.

25. Earl and Jon Grinols criticized the 20-yard limitation as being artificial in a number of situations where cars or ATVs are already parked and an opportunity for taking a grouse presents itself. Public Exhibits 7 and 8. David Kryzer of ATVAM asserted that the proposed rule created a "sanctuary" of approximately one-quarter of an acre around motor vehicles. The Department responded that the limitation created no sanctuary around the grouse. Department Comment, at 5. A hunter could, consistent with the rule, move 20 yards away from the motor vehicle and shoot at a grouse within 20 yards of the vehicle. *Id.* Similarly, when the vehicle is 20 yards beyond the grouse, there is no prohibition on taking the bird. The Department indicated that some common sense reasons might exist for not shooting at a target located close to a motor vehicle, but those decisions are left to the individual hunter. The purpose of the rule is to require a hunter to stalk grouse on foot. The requirement that the hunter be at least 20 yards away from a motor vehicle when discharging a weapon is not unreasonable.

26. Robert Meyer and Jim Nye suggested that the distance a hunter must traverse from an ATV before shooting be increased. Public Exhibits 2 and 6. Harlan R. Finney, self-described "old on-foot hunter of ruffed grouse," urged that the Department require a "park, then hunt" rule. Public Exhibit 17. Jim Nye urged the imposition of restricted hours when ATVs may be used. Public Exhibit 6. Jeff Tillma suggested hours that hunters could use ATVs, but in lieu of the proposed rule. Public

Exhibit 4. ATVAM objected to any additional restrictions on the use of ATVs while hunting. Public Exhibit 21. The Department considered more restrictive rules governing the use of motor vehicles and concluded that requiring designated parking spots present problems with practicality and logistics. SONAR, at 7. Use of restricted hours without other restrictions, in the Department's opinion, would suggest hunting from ATVs is consistent with fair chase. The Department is correct in rejecting the restricted hour suggestion as inconsistent with the reasons offered for adopting the rule. The Department's conclusion that parking areas are unworkable is reasonable.

27. D. Scott Reichard indicated that the ruffed grouse population lives primarily in widely spread out forested areas. Due to this fact, Reichard asserts that the only way to "scientifically manage bird populations to maximize hunting potential" is to allow hunters to shoot within 20 yards of a motor vehicle. Public Exhibit 15. The Department indicated that the rising number of ATVs and their use in hunting grouse was a factor motivating adoption of this rule. SONAR, at 9-10; Exhibit 14. The Department responded that the purpose of the rules was not to effectively manage the grouse population, but to ensure that fair chase was present in the taking of grouse. Department Comment, at 3. The asserted availability of grouse for hunting is not relevant to what constitutes fair chase to take any individual bird.

Conflicts Between Motorized and Non-motorized Hunters

28. Two opposing positions were presented by many of the commentators in this rulemaking. Hunters who walk trails to hunt grouse expressed opposition to any use of ATVs in the sport. Hunters who travel trails on ATVs generally opposed any addition to existing restrictions. Those restrictions currently require hunters to turn off the vehicle, dismount, uncase the weapon, and load. Some of the suggestions received in this rulemaking were directed toward eliminating conflicts between these two groups of hunters. Arrowhead ATV Club suggested separate trails for walking and motorized hunters. Public Exhibit 5. The Department expressly disclaimed any intent to address these conflicts. Department Comment, at 3. The proposed rule does not allocate hunting resources or favor one style of hunting over another. The proposed rule is needed and reasonable to impose a fair chase standard on grouse hunters when those hunters travel on ATVs or other motor vehicles.

Enforceability

29. Earl Grinols criticized the proposed rule as being impossible to enforce without absurd consequences. Public Exhibit 7. Harlan Finney, Pierre Pelham, and Larry Wannebo considered the rule to be difficult to enforce. Public Exhibits 17, 18 and 24. The Department indicated that the rule is intended, in part, to provide guidance to law-abiding hunters who only need to know what is lawful to comply. Department Comment, at 1. Stephen Krenkel suggested that requiring ammunition to be stowed would render the rule easier to enforce. Public Exhibit 12. Due to the difficulties inherent in policing a mobile group of hunters spread over many thousands of acres, the Department suggested that enforcement would focus on the use of decoys. *Id.* at 2. Past use of this enforcement mechanism in policing big game hunting has yielded

increased levels of compliance. *Id.* The Department declined to amend the rule to specify stowing ammunition due to the likelihood that technology would defeat the purpose of the rule. Department Comment, at 5. There is no defect in the proposed rules due to difficulties in widespread enforcement.

Exempting Disabled Hunters

30. Michael A. Campion, Ph.D., objected to any rule that would prevent disabled persons from being able to participate in hunting grouse. Public Exhibit 9. The proposed rule explicitly exempts persons with a disability permit from application of the subpart. Robert Meyer opposed the exemption for hunters with a disability permit. Meyer asserted that doctors are “too lenient” in authorizing disability permits. Public Exhibit 2. Roger E. Dammann supported the exemption and sought to have it expanded to other small game. Dammann also suggested that the stationary vehicle requirement be waived for handicapped hunters. Public Exhibit 14. The Department declined to modify the rule to other small game, since use of ATVs in the taking of grouse is the only small game hunting practice to have come to the Department’s attention. Department Comment, at 3. As to shooting from a stationary vehicle, the requirement that a hunter aim before firing implies that the hunter will stop to draw a bead on the intended target. Exempting hunters with a disability permit has been shown to be needed and reasonable.

Based on the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Minnesota Department of Natural Resources gave proper notice in this matter.
2. The Department has fulfilled the procedural requirements of Minn. Stat. § 14.14, and all other procedural requirements of law or rule.
3. The Department has demonstrated its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat §§ 14.05, subd. 1, 14.15, subd. 3, and 14.50 (i) and (ii).
4. The Department has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 4 and 14.50 (iii).
5. There were no additions or amendments to the proposed rules suggested by the Department after publication of the proposed amended rules in the State Register. Therefore there is no substantially different language from the proposed amended rules as published in the State Register within the meaning of Minnesota Stat. §§ 14.05, subd. 2 and 14.15, subd. 3.

6. Any Findings which properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

7. A Finding or Conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Department from further modification of the proposed rules based upon an examination of the public comments, provided that the rule finally adopted is based upon facts as appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the proposed amended rules be adopted.

Dated this 4 th day of June, 1998.

PHYLLIS A. REHA
Administrative Law Judge

Reported: Taped, No Transcript Prepared